

Amendment Under 37 C.F.R. § 1.116
Serial No.: 09/694,057
Sughrue Ref: Q60128

REMARKS

I. Objection to the Drawings:

In the last response filed on June 7, 2005, Applicants submitted corrected Figure 1 labeling the box in the bottom left corner with reference numeral 12. The Examiner contends that this drawing contains new matter because there is no support for this box being labeled "12". Specifically, the Examiner cites to page 6, lines 29-36 and contends that this portion of the specification requires that the structure 12 be part of the support means. For the following reasons, Applicants request the Examiner to reconsider this objection.

More specifically, the Examiner is correct in that the specification does state that the servo-control means 12 be part of the control support means 7. Specifically, the control support means 7 includes the means 9 (top left in Figure 1) for measuring the sag of the preform; at least one support element 10 mounted on controlled positioning means 11; and the servo-control means 12. However, Applicants do not understand why this could possibly preclude the box in the lower left corner of Figure 1 from corresponding to the claimed servo-control means. In this respect, Applicants note that the specification specifically states that the servo-control means 12 is "for servo-controlling the controlled positioning means 11 in the active end position to a controllable predetermined reference value C for the sag of the preform 1." The dotted arrow in the bottom left hand corner of Figure 1 labeled "C" obviously corresponds to reference value C which inputted into the servo-control means 12, as explained above. Thus, it is clear from the specification that this box 12 is intended to correspond to the claimed servo-control means. Accordingly, the Examiner is respectfully requested to reconsider his position regarding the new

Amendment Under 37 C.F.R. § 1.116
Serial No.: 09/694,057
Sughrue Ref: Q60128

matter rejection. Perhaps part of the problem is that the reference numeral 7 in Figure 1 does not point to the box the in lower left corner of Figure 1. For that matter, it is noted that the arrow associated with reference 7 likewise does not point to reference numeral 9 corresponding to the means for measuring sage of a preform. Thus, if this is the basis of the Examiner's new matter objection, Applicants would like to propose removing reference numeral 7 from the drawings and the specification so that there is no further confusion on this point. It should be noted, as discussed below, that Applicants have amended claim 12 to clarify that the servo-controller is "electrically coupled" to the sensor as the Examiner notes in the § 112 (first paragraph) rejection of the specification. In any event, it is respectfully requested that new drawing be approved and that the new matter objection be withdrawn.

The Examiner has further objected to the drawings noting that reference numeral 12 has been used to designate both a servo control means and a computer. However, it is clear from the specification that the servo-control means 12 corresponds to a computer - they are the same elements. However, to clarify this in the specification, Applicants have amended page 6 of the specification to clarify that the servo-control means includes a computer. Thus, it is respectfully requested that this objection be withdrawn as well.

II. Objection to the Specification

Claims 12-14 have been rejected under § 112 (first paragraph) as failing to comply with the written description requirement. In particular, the Examiner indicates that he could not find support for the servo-control as presently claimed. As mentioned above, Applicants have

Amendment Under 37 C.F.R. § 1.116
Serial No.: 09/694,057
Sughrue Ref: Q60128

amended claim 12 to clarify that the servo-controller is electrically coupled to the sensor, as suggested by the Examiner. Thus, it is respectfully requested that this rejection be withdrawn.

III. § 103 Rejection

It is noted with appreciation that the Examiner has failed to reject claims 12-14 on prior art grounds. Thus, in view of the comments above, it is respectfully submitted that these claims contain allowable subject matter. On the other hand, it is noted that the Examiner has rejected independent claim 11, under § 103 as being unpatentable over Blankenship (U.S. Patent No. 4,310,339) in view of Sharp (U.S. Patent No. 4,867,776), Mimura (U.S. Patent No. 4,729,777), Bickel (DE 4009484) and Hara (U.S. Patent No. 4,552,576).

As best Applicants' can understand, the Examiner contends that it would have been obvious to orient the Blankenship apparatus horizontally so that one does not need a high drawing turret. Further, the motivation for changing the orientation of the Blankenship apparatus is based on the Bickel reference which the Examiner contends discloses "that producing fibers horizontally has the advantage of not needing a high drawing turret."

However, Applicants respectfully traverse this obviousness determination.

More specifically, Blankenship, like the claimed invention, is directed to a method of forming an optical wave guide preform which is later used to form an optical fiber. In contrast, Bickel is directed to the apparatus and method for forming the optical fiber from a preform. Conventionally, optical fibers are prepared using a vertical draw tower by placing a preform at the top of the tower thus allowing the optical fiber to drawn with the assistance gravity. Bickel merely discloses the concept of drawing the optical fiber using a horizontal arrangement so that

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Serial No.: 09/694,057
Sughrue Ref: Q60128

the high draw tower is not necessary. However, as is evident from the foregoing, Bickel has nothing to do with the manner in which the actual preform is made. Accordingly, Applicants submit that the Examiner's obviousness determination is simply unsupported. More specifically, taking the teachings of Bickel, a person of ordinary skill in the art would not have been motivated to orient the Blankenship apparatus for forming a preform in a horizontal position. The two references are entirely unrelated to one another. On this basis alone, Applicants respectfully traverse this rejection. Nonetheless, in order to further distinguish the present invention over the prior art, and particular the Bickel reference, Applicants have amended independent claim 11 to further include as an element of the claim a plasma torch and support supply means disposed radially relative to this supporting core for building up the preform.

With respect to the inclusion of Hara, the Examiner's reliance on this reference is not understood. In particular, nowhere does the Examiner indicate why the teachings of Hara are relevant to the Examiner's obviousness determination with respect to modifying the Blankenship device. Thus, in this regard, Applicants respectfully submit that the Examiner has failed to establish a *prime face* case of obviousness based on Hara.

Hara does not disclose a rotatable wheel whose rotational axis is parallel to the supporting core. In addition, the rotatable wheel according to Hara does not rotate freely. Hara discloses a base material supporting machine 4 wherein internal rotors 10A and 10B are endlessly rotated at a controlled speed along the base material moving direction (see column 5, lines 37-47). In addition, in drawing machine 6 are rotors 22A, 22B endlessly rotated in the moving direction, too. (see column 5, lines 60-65). Therefore, Hara discloses a fundamental different

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Serial No.: 09/694,057
Sughrue Ref: Q60128

apparatus. Furthermore, there is no incentive for the person skilled in the art to consult Hara for solving the technical problem underlying the present invention in terms of making a perform using a plasma torch. Hara relates to a soot deposition process wherein a heat treating machine 3 is used, i.e. a ring shaped electric furnace (see column 3, lines 3-7).

Finally, Applicants hereby incorporate the arguments presented in the last response and repeat that neither Sharp nor Mimura compensate for the deficiencies of Blankenship. Also, it is noted that the Examiner has failed to address the arguments presented in the last response that Blankenship does not teach or suggest the claimed rotatable wheel mounted on the addressable support member and having a rotational axis which is parallel to the supporting core and is, furthermore, mounted to rotate freely for supporting the preform. The wheel 37 in Blankenship which the Examiner analogizes to the claimed rotatable wheel, is actually a driven wheel which is used to drive rotation of the preform. Additionally, there is no teaching or suggestion in Blankenship of the claimed tread strip.

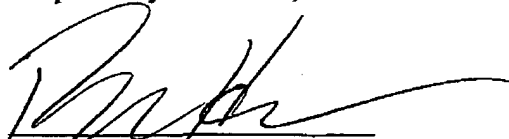
In view of the foregoing, it is respectfully requested that the Examiner allow the claims in the subject application. Alternatively, the Examiner is requested to respond to the above arguments.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.116
Serial No.: 09/694,057
Sughrue Ref: Q60128

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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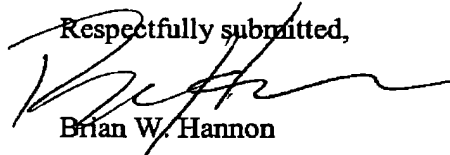
Date: November 30, 2005

CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner John M. Hoffmann at the Patent and Trademark Office on November 30, 2005 at (571) 273-8300.

Respectfully submitted,



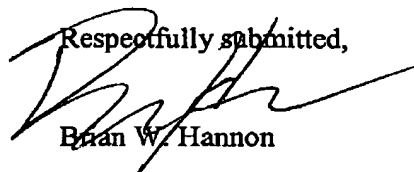
Brian W. Harmon

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian W. Hannon", is written over the typed name.

Brian W. Hannon